

REMARKS

Claims 1-43 stand rejected. Claims 1-43 remain pending in the patent application. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants respectfully submit that the amendments herein to the patent application do not add new matter to it.

35 U.S.C. §102 Rejections

Claims 1-6, 8, 9, 13-21, 23, 24, 28-36, 38, 42 and 43 are rejected under 35 U.S.C. §102(b) as being anticipated by Kuzma, U.S. Patent Number 5,771,355 (hereinafter Kuzma).

CLAIMS 1 and 31

Applicants respectfully contend that Kuzma does not teach subject matter recited within newly amended independent Claims 1 and 31. For instance, amended Claim 1 recites in part (emphasis added):

a sender client configured to send a location message comprising a recipient address, a handle to a media file, and a copyright indication for the media file;

Applicants respectfully assert that Kuzma fails to teach a location message that includes a copyright indication for the media file as specifically recited in amended Claims 1 and 31. For example, Kuzma is silent with regard to a copyright indication. Since Kuzma fails to teach at least one element recited in amended Claims 1 and 31, Applicants respectfully contend that Kuzma cannot anticipate amended Claims 1 and 31.

Therefore, Applicants respectfully submit that amended Claims 1 and 31 are allowable over Kuzma.

CLAIM 16

Applicants respectfully contend that Kuzma does not teach subject matter recited within newly amended independent Claim 16. For instance, amended Claim 16 recites in part (emphasis added):

a sender client coupled to send a location message comprising a recipient address, a handle to a media file, and a title of the media file;

Applicants respectfully assert that Kuzma fails to teach a location message comprising a title of the media file as specifically recited in amended Claim 16. For example, Kuzma is silent with regard to a title of the media file. Since Kuzma fails to teach at least one element recited in amended Claim 16, Applicants respectfully contend that Kuzma cannot anticipate amended Claim 16. Therefore, Applicants respectfully submit that amended Claim 16 is allowable over Kuzma.

CLAIMS 2, 3, 17, 18, 32 and 33

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma based on the rationale discussed above. As such, their respective dependent Claims 2, 3, 17, 18, 32 and 33 are also allowable over Kuzma.

Furthermore, Applicants respectfully contend that Kuzma does not teach subject matter recited within dependent Claims 2, 3, 17, 18, 32 and 33. For instance, Claim 2 recites in part (emphasis added):

wherein the sender client is selected from a personal video recorder, a personal computer, a workstation, a video camcorder and a personal digital assistant.

Applicants respectfully assert that Kuzma fails to teach a personal video recorder, a workstation, a video camcorder, and a personal digital assistant as specifically recited in Claims 2, 3, 17, 18, 32 and 33. Since Kuzma fails to teach elements recited in Claims 2, 3, 17, 18, 32 and 33, Applicants respectfully contend that Kuzma cannot anticipate Claims 2, 3, 17, 18, 32 and 33. Therefore, Applicants respectfully submit that Claims 2, 3, 17, 18, 32 and 33 are allowable over Kuzma.

CLAIMS 4, 19 and 34

Applicants respectfully submit that amended independent Claim 1, 16 and 31 are allowable over Kuzma based on the rationale discussed above. As such, their respective dependent Claims 4, 19 and 34 are also allowable over Kuzma.

Additionally, Applicants respectfully contend that Kuzma does not teach subject matter recited within dependent Claims 4, 19 and 34. For instance, Claim 4 recites in part (emphasis added):

wherein the server is selected from a personal video recorder, a personal computer, a workstation, an application service provider and a remote server accessed via an internet.

Applicants respectfully assert that Kuzma fails to teach that the server is selected from a personal video recorder and a workstation as specifically recited in Claims 4, 19 and 34. For example, Kuzma is silent with regard to a personal video recorder and a workstation. Since Kuzma fails to teach elements recited in Claims 4, 19 and 34,

Applicants respectfully contend that Kuzma cannot anticipate Claims 4, 19 and 34. Therefore, Applicants respectfully submit that Claims 4, 19 and 34 are allowable over Kuzma.

CLAIMS 5, 20 and 35

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma based on the rationale discussed above. As such, their respective dependent Claims 5, 20 and 35 are also allowable over Kuzma.

Moreover, Applicants respectfully contend that Kuzma does not teach subject matter recited within dependent Claims 5, 20 and 35. For instance, Claim 5 recites in part (emphasis added):

wherein the location message further comprises information selected from a title of the media file, a date stamp of the media file, a time stamp of the media file, a preview of the media file and at least one text field.

Applicants respectfully assert that Kuzma fails to teach that the location message comprises information selected from a title of the media file, a date stamp of the media file, and a time stamp of the media file as specifically recited in Claims 5, 20 and 35. For example, Kuzma is silent with regard to a title of the media file, a date stamp of the media file, and a time stamp of the media file. Since Kuzma fails to teach elements recited in Claims 5, 20 and 35, Applicants respectfully contend that Kuzma cannot anticipate Claims 5, 20 and 35. Therefore, Applicants respectfully submit that Claims 5, 20 and 35 are allowable over Kuzma.

CLAIMS 8, 9, 23, 24 and 38

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma based on the rationale discussed above. As such, their respective dependent Claims 8, 9, 23, 24 and 38 are also allowable over Kuzma.

Furthermore, Applicants respectfully contend that Kuzma does not teach subject matter recited within dependent Claims 8, 9, 23, 24 and 38. For instance, Claim 8 recites in part (emphasis added):

wherein the protocol is selected from video mail input output (VMIO) transfer and control protocols, a protocol based Post Office Protocol 3 (POP3), a protocol based on a Simple Mail Transfer Protocol (SMTP), and a protocol based on a Hypertext Transfer Protocol (HTTP).

Applicants respectfully assert that Kuzma fails to teach video mail input output (VMIO) transfer and control protocols, a protocol based Post Office Protocol 3 (POP3), and a protocol based on a Simple Mail Transfer Protocol (SMTP) as specifically recited in Claims 8, 9, 23, 24 and 38. Since Kuzma fails to teach elements recited in Claims 8, 9, 23, 24 and 38, Applicants respectfully contend that Kuzma cannot anticipate Claims 8, 9, 23, 24 and 38. Therefore, Applicants respectfully submit that Claims 8, 9, 23, 24 and 38 are allowable over Kuzma.

CLAIMS 13, 14, 15, 28, 29, 30 and 43

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma based on the rationale discussed above. As such, their

respective dependent Claims 13, 14, 15, 28, 29, 30 and 43 are also allowable over Kuzma.

Furthermore, Applicants respectfully contend that Kuzma does not teach subject matter recited within dependent Claims 13, 14, 15, 28, 29, 30 and 43. For instance, Claim 13 recites in part (emphasis added):

a connection from the sender client to the receiver client upon which the transfer of the media file occurs, the connection being selected from an Internet-based connection, a connection based on a Transmission Control Protocol / Internet Protocol (TCP/IP) and a connection based on a User Datagram Protocol (UDP).

Applicants respectfully assert that Kuzma fails to teach a User Datagram Protocol (UDP) as specifically recited in Claims 13, 14, 15, 28, 29, 30 and 43. Since Kuzma fails to teach an element recited in Claims 13, 14, 15, 28, 29, 30 and 43, Applicants respectfully contend that Kuzma cannot anticipate Claims 13, 14, 15, 28, 29, 30 and 43. Therefore, Applicants respectfully submit that Claims 13, 14, 15, 28, 29, 30 and 43 are allowable over Kuzma.

35 U.S.C. §103 Rejections

Claims 7, 22 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hsu et al., U.S. Patent Number 6,295,058. Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Thurlow et al., U.S. Patent Number 6,457,879.

CLAIMS 7, 10-12, 22, 25-27, 37 and 39-41

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma based on the rationale discussed above. As such, their respective dependent Claims 7, 10-12, 22, 25-27, 37 and 39-41 are also allowable over Kuzma.

CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of Claims 1-43.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: JUNE 6, 2005

A handwritten signature in black ink, appearing to read 'Thomas Catale', written over a horizontal line.

Thomas M. Catale
Registration No.: 46,434

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

Phone: (408) 938-9060
Facsimile: (408) 938-9069